

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CWP NO. 3727 of 2007

DATE OF DECISION: 13.03.2007

Dakshin Haryana Bijli Vitran Nigam Ltd. ....Petitioner

Versus

Electricity Ombudsman, Haryana and others Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR  
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. Naresh Katyal, Advocate  
for the petitioner.

**J.S. Khehar, J.**(oral)

According to the pleadings of this case, it is apparent that respondent No.3 Shri Siri Ram Gupta had applied for an electricity connection for setting up an industrial unit at shed No.2, Rozka Meo Industrial Area, Sohna. The pleadings also reveal, that the previous occupiers of the premises in question were Sarvshri Pankaj Kumar Jain and Sanjiv Kumar, and that, electricity dues were pending against them at the time when respondent No.3 sought an electricity connection in the same premises. Merely for the reason that certain amount was due and payable by Sarvshri Pankaj Kumar Jain and Sanjiv Kumar, who were in occupation of shed No.2, Rozka Meo Industrial Area, Sohna, respondent No.3's application for grant of electricity connection was declined. The petitioner gave an understanding to respondent No.2, that the electricity connection would be released to him on the recovery/payment of an

outstanding amount to the tune of Rs.12,73,761/- as against Sarvshri Pankaj Kumar Jain and Sanjiv Kumar. The action of the petitioner herein, in declining to release the electricity connection, came up for consideration before the Electricity Ombudsman, Haryana. The Electricity Ombudsman by his order dated 30.11.2006 directed the petitioner to release the applied for electricity connection to Shri Siri Ram Gupta, respondent No.3, immediately. The Ombudsman further directed that the petitioner could not insist upon recovering the sum of Rs.12,73,761/- due and payable by Sarvshri Pankaj Kumar Jain and Sanjiv Kumar i.e. the occupants of the same shed, where the electricity connection has been applied for by respondent No.3.

Having examined the controversy, as has been projected to us, we are satisfied, that the impugned order dated 30.11.2006 passed by the Electricity Ombudsman calls for no interference. It goes without saying, that a sum of money recoverable from an individual cannot be recovered from another, who has no connection with the person who owes the original debt. The pleadings of this case do not reveal any connection between respondent No.3 Shri Siri Ram Gupta, on the one hand, and the persons against whom the claim of Rs.12,73,761/- is being demanded. We are satisfied, that the demand of the aforesaid amount from respondent No.3 is clearly unacceptable in law.

Despite our conclusion recorded hereinabove, it would be pertinent to mention that learned counsel for the petitioner placed reliance on a decision rendered by the Apex Court in *Dakshin Haryana Bijli Vitran Nigam Limited V. M/s. Paramount Polymers Pvt. Ltd.*, AIR 2007 Supreme Court 2. We have perused the factual position, on the basis

of which the aforesaid decision was rendered by the Apex Court. The same reveals, that the subsequent applicant for the electricity connection had undertaken to discharge the liability of the previous holder of the electricity connection in the same premises. In the aforesaid circumstances, the Apex Court had concluded, that the amount recoverable from the occupier of the same premises previously could be recovered from the subsequent holder of the electricity connection. These facts do not emerge from the instant controversy. It is, therefore, not possible for us to give any benefit to the petitioner in the instant writ petition, on the basis of the decision referred to by learned counsel for the petitioner.

For the reasons recorded hereinabove, we find no merit in this petition and the same is, accordingly, dismissed.

( J.S. Khehar )  
Judge

( S.D. Anand )  
Judge

March 13, 2007.  
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